

**FORTY-SEVENTH DAY**  
(Wednesday, April 14, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Moncrief, Sims.

A quorum was announced present.

The Reverend Jeff Newmann, Vineyard Christian Fellowship, Austin, offered the invocation as follows:

Almighty God, we give thanks for the blessings that You have bestowed upon this great State of Texas. We join together before You, O Lord, aware of the trials that lie ahead and of the need for divine guidance. Lord, we recognize that You have given authority to this civil body as a divine institution to be ministers of God with a mandate to represent, uphold, and promote righteousness in this great state. I ask this morning that You would empower these servants with wisdom and compassion. Amaze us this day, and cause these ministers of God to know once again Your presence and Your power as they faithfully and dutifully carry out their ministry. Cause each one to know the reward of leadership that You spoke of through Your servant David: "When one rules over men in righteousness, when he rules in the fear of God, he is like the light of day at sunrise on a cloudless morning, like the brightness after the rain that brings the grass from the earth." Now to Him who sits on the throne and to the Lamb be praise and honor and glory and power, forever and ever. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

On motion of Senator Leedom, Senator Sims was granted leave of absence for today on account of illness in the family.

On motion of Senator Harris of Tarrant, Senator Moncrief was granted leave of absence for today on account of important business.

**MESSAGE FROM THE HOUSE**

House Chamber  
April 14, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

**H.J.R. 57**, Proposing a constitutional amendment repealing the constitutional provision limiting the consideration for which stock and bonds of a corporation may be issued.

**H.C.R. 105**, Honoring Allen Jerald Cooper for his record of service to the DeKalb Independent School District.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

### PERMISSION TO INTRODUCE BILLS

On motion of Senator Harris of Dallas and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

<b>S.B. 1358</b>	<b>S.B. 1361</b>
<b>S.B. 1359</b>	<b>S.B. 1362</b>
<b>S.B. 1360</b>	<b>S.B. 1363</b>

### SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

**S.B. 1358** by Bivins Economic Development  
Relating to the establishment of an education tariff for certain telecommunications services.

**S.B. 1359** by Shelley Education  
Relating to repealing the exemption of certain students from paying tuition charged by public institutions of higher education.

**S.B. 1360** by Barrientos Natural Resources  
Relating to changing the composition of the Lower Colorado River Authority board of directors by adding a board member who resides in the watershed of the Colorado River in Hays County.

**S.B. 1361** by Shapiro Jurisprudence  
Relating to court administration and jurisdiction in Kaufman County and to the creation of the County Court at Law in Kaufman County.

**S.B. 1362** by Montford Economic Development  
Relating to the designation of Enrolled Agents.

**S.B. 1363** by Moncrief Education  
Relating to the provision of educational materials in the public schools to blind or visually handicapped students.

### HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

**H.B. 15** to Committee on Criminal Justice.

**H.B. 16** to Committee on Criminal Justice.

H.B. 36 to Committee on Finance.  
H.B. 181 to Committee on Criminal Justice.  
H.B. 183 to Committee on Education.  
H.B. 293 to Committee on Jurisprudence.  
H.B. 334 to Committee on Natural Resources.  
H.B. 360 to Committee on Jurisprudence.  
H.B. 395 to Committee on Natural Resources.  
H.B. 431 to Committee on Economic Development.  
H.B. 458 to Committee on State Affairs.  
H.B. 502 to Committee on State Affairs.  
H.B. 633 to Committee on Intergovernmental Relations.  
H.B. 634 to Committee on Intergovernmental Relations.  
H.B. 697 to Committee on Criminal Justice.  
H.B. 724 to Committee on Jurisprudence.  
H.B. 757 to Committee on Jurisprudence.  
H.B. 758 to Committee on Jurisprudence.  
H.B. 850 to Committee on Jurisprudence.  
H.B. 1029 to Committee on Education.  
H.B. 1039 to Committee on Intergovernmental Relations.  
H.B. 1179 to Committee on International Relations, Trade,  
and Technology.  
H.B. 1200 to Committee on Jurisprudence.  
H.B. 1216 to Committee on Natural Resources.  
H.B. 1278 to Committee on Intergovernmental Relations.  
H.B. 1285 to Committee on Jurisprudence.  
H.B. 1493 to Committee on Criminal Justice.  
H.B. 1581 to Committee on State Affairs.  
H.B. 1702 to Committee on Finance.

#### **BILL AND RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled bill and resolutions in the presence of the Senate after the caption had been read:

S.B. 1313  
H.C.R. 82  
S.C.R. 59

#### **CAPITOL PHYSICIAN**

Senator Leedom, on behalf of Senator Sims, was recognized and presented Dr. Shane B. Mills of Gatesville as the "Doctor for the Day."

The Senate welcomed Dr. Mills and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

#### **GUESTS PRESENTED**

Senator Ratliff was recognized and introduced to the Senate a group of seniors from Cooper High School.

The Senate welcomed these guests.

**NOTICE OF SESSION TO HOLD  
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Haley announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held tomorrow and that all bills would be considered on second reading in the order in which they are listed.

Senator Haley then asked unanimous consent to change the time of the Local and Uncontested Bills Calendar from 10:30 a.m. to 8:30 a.m.

There was no objection.

**(Senator Henderson in Chair)**

**GUESTS PRESENTED**

Senator Patterson was recognized and introduced to the Senate a delegation of the Bay Area Republican Women here as representatives of the Texas Federation of Republican Women.

The Senate welcomed its guests.

**(President in Chair)**

**SENATE RESOLUTION 377**

Senator Brown offered the following resolution:

**S.R. 377**, Welcoming members of the Texas Federation of Republican Women to the State Capitol on April 14, 1993.

The resolution was read and was adopted by a viva voce vote.

**(Senator Harris of Tarrant in Chair)**

**SENATE BILL 830 WITH HOUSE AMENDMENT**

Senator Luna called **S.B. 830** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Committee Amendment No. 1**

Amend **S.B. 830**, Sec. 1, Subsection (a), page 1, line 5 by substituting "may" for "shall".

The amendment was read.

Senator Luna moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the conference committee on **S.B. 830** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Luna, Chair; Ellis, Carriker, Henderson, and Brown.

#### **GUESTS PRESENTED**

Senator Truan was recognized and introduced to the Senate a group of students who are participants in the Texas Tuition Equalization Grant Program.

The Senate welcomed these guests.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 941 ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**C.S.H.B. 941**, Relating to the authority and responsibility of the Texas Motor Vehicle Board of the Texas Department of Transportation.

The bill was read second time.

Senator Henderson offered the following amendment to the bill:

Amend **C.S.H.B. 941** as follows:

On page 4, line 52, add the following sentence after the period:

"In the event of a dispute, the Board shall uphold local ordinances of a home-rule city and protect dealers from retribution by manufacturers for having complied with local ordinances."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 941 ON THIRD READING**

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 941** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Moncrief, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

#### **COMMITTEE SUBSTITUTE SENATE BILL 925 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 925**, Relating to the offense of official oppression and the offense of sexual assault.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 925 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 925** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Moncrief, Sims.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1160 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1160**, Relating to the authority of the Texas School for the Blind and Visually Impaired to lease certain real property.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1160 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1160** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Moncrief, Sims.

**(Senator Turner in Chair)**

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**GUESTS PRESENTED**

Senator Patterson was recognized and introduced to the Senate Rosalie Jones and Nora Jones of London, England, accompanied by Celia Butterworth of Louisiana and Anne Robertson of Austin.

The Senate welcomed its guests.

**SENATE BILL 1333 ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1333**, Relating to the creation of an offense involving sales of tickets to certain events; providing a penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1333 ON THIRD READING**

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1333** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Moncrief, Sims.

The bill was read third time and was passed by a viva voce vote.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE  
SENATE BILL 325 ON SECOND READING**

Senator Brown moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 325**, Relating to the creation of an offense involving certain sales of tickets to certain events; providing a penalty.

On motion of Senator Brown and by unanimous consent, the motion to suspend the regular order of business was withdrawn.

**(President in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 227 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 227**, Relating to a performance bond or payment bond executed in connection with a public works or public construction contract.

The bill was read second time.

Senator West offered the following amendment to the bill:

Amend **C.S.S.B. 227** by striking all below the enacting clause and substituting in lieu thereof the following:

**SECTION 1.** Article 5160, Revised Statutes, is amended by amending Section A and by adding Section J to read as follows:

A. Any person or persons, firm, or corporation, hereinafter referred to as "prime contractor," entering into a formal contract in excess of \$25,000 with this State, any department, board or agency thereof; or any county of this State, department, board or agency thereof; or any municipality of this State, department, board or agency thereof; or any school district in this State, common or independent, or subdivision thereof; or any other governmental or quasi-governmental authority whether specifically named

herein or not, authorized under any law of this State, general or local, to enter into contractual agreements for the construction, alteration or repair of any public building or the prosecution or completion of any public work, shall be required before commencing such work to execute to the aforementioned governmental authority or authorities, as the case may be, the statutory bonds as hereinafter prescribed, but no governmental authority may require a bond if the contract does not exceed the sum of \$25,000. Each such bond shall be executed by a corporate surety or corporate sureties in accordance with Section 1, Chapter 87, Acts of the 56th Legislature, Regular Session, 1959 (Article 7.19-1, Vernon's Texas Insurance Code). In the case of contracts of the State or a department, board, or agency thereof, the aforesaid bond ~~[bonds]~~ shall be payable to the State and shall be approved by the Attorney General as to form. In case of all other contracts subject to this Act, the bond ~~[bonds]~~ shall be payable to the governmental awarding authority concerned, and shall be approved by it as to form. Any bond furnished by any prime contractor in an attempted compliance with this Act shall be treated and construed as in conformity with the requirements of this Act as to rights created, limitations thereon, and remedies provided. Any provision in any bond furnished by a prime contractor in attempted compliance with this Act that expands or restricts the rights or liabilities provided under this Act shall be disregarded and the provisions of this Act shall be read into that bond.

(a) A Performance Bond shall be executed for any contract in excess of \$100,000 in the amount of the contract conditioned upon the faithful performance of the work in accordance with the plans, specifications, and contract documents. Said bond shall be solely for the protection of the State or the governmental authority awarding the contract, as the case may be.

(b) A Payment Bond shall be executed for any contract in excess of \$25,000, in the amount of the contract, solely for the protection of all claimants supplying labor and material as hereinafter defined, in the prosecution of the work provided for in said contract, for the use of each such claimant.

Notwithstanding any provision in this Act or in Chapter 252 or 262, Local Government Code, if the governmental authority fails to obtain from the prime contractor a payment bond in compliance with this Act covering a contract in excess of \$25,000, the authority is subject to the same liability as that of a surety who had issued a valid bond if the authority had complied with this section, and a claimant is entitled to a lien on funds due the prime contractor in the same manner and to the same extent as if the contract were subject to Subchapter J, Chapter 53, Property Code.

1. A governmental authority that awards the contract for the construction, alteration, or repair of a public building or for the prosecution or completion of any public work may provide for payment of the prime contractor in installments based on completion of work under the contract.

SECTION 2. Section 252.044, Local Government Code, is amended to read as follows:

Sec. 252.044. CONTRACTOR'S BOND: INSTALLMENT



**PAYMENTS.** ~~[(a)]~~ If the contract is for the construction of public works, the ~~[bidder to whom the contract is awarded must execute a good and sufficient bond. The bond must be:~~

~~[(1) in the full amount of the contract price;~~

~~[(2) conditioned that the contractor will faithfully perform the contract; and~~

~~[(3) executed, in accordance with Article 5160, Revised Statutes, by a surety company authorized to do business in the state.~~

~~[(b) If the contract requires an expenditure of less than \$100,000, the bond is not required if the contract provides that payment is not due to the contractor until the work is completed and is accepted by the municipality.~~

~~[(c) The]~~ governing body of a home-rule municipality ~~[by ordinance]~~ may:

(1) by ordinance adopt the provisions of ~~[this section and]~~ Article 5160, Revised Statutes, relating to contractors' surety bonds, regardless of a conflicting provision in the municipality's charter; and

(2) provide that a contractor will be paid in installments based on completion of work under the contract.

SECTION 3. Subsections (b) and (d), Section 262.032, Local Government Code, are amended to read as follows:

(b) The county may provide in the bid notice or request for proposals that money will be paid to the contractor in installments based on completion of work under the contract. Within 10 days after the date of the signing of a contract or issuance of a purchase order following the acceptance of a bid or proposal, the bidder or proposal offeror shall furnish a performance bond to the county for the full amount of the contract if that contract exceeds \$100,000 ~~[\$50,000]~~.

(d) A bidder or proposal offeror whose rates are subject to regulation by a state agency may not be required to furnish a performance bond or a bid bond under this section.

SECTION 4. This Act takes effect September 1, 1993, and applies only to a contract entered into on or after that date. A contract entered into before the effective date of this Act is governed by the law in effect when the contract was entered into, and the former law is continued in effect for that purpose.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### COMMITTEE SUBSTITUTE SENATE BILL 227 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 227 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Moncrief, Sims.

The bill was read third time and was passed by a viva voce vote.

#### **SENATE BILL 15 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 15**, Relating to the liability of a person who manufactures or delivers certain illegal substances for damages arising from the use of the substances.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 15 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 15** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Moncrief, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 164 ON SECOND READING**

On motion of Senator Shelley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 164**, Relating to the operations of a grand jury; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 164 ON THIRD READING**

Senator Shelley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 164** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Moncrief, Sims.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 338 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 338**, Relating to requiring as a condition of parole or release to mandatory supervision for certain releasees that the releasees submit to treatment or counseling for substance abuse.

The bill was read second time.

Senator Parker offered the following committee amendment to the bill:

Amend **S.B. 338**, page 2, line 9, by changing the word "shall," to "may."

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 338 ON THIRD READING**

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 338** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Moncrief, Sims.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE****SENATE BILL 479 ON SECOND READING**

On motion of Senator Shelley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 479**, Relating to the guardianship of a person or an estate, informal probate of wills, informal distribution of estates, emergency payment of burial expenses, and protection of a decedent's personal property; creating the offense of interference with service of citation on a proposed ward.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE****SENATE BILL 479 ON THIRD READING**

Senator Shelley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 479** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Moncrief, Sims.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 482 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 482**, Relating to a prohibition on the requirement of a polygraph examination of a complainant as a condition of charging a defendant accused of certain criminal offenses.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 482 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 482** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Moncrief, Sims.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 233 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 233**, Relating to establishing a minority doctoral incentive program.

The bill was read second time.

**(Senator Harris of Dallas in Chair)**

Senator Truan offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **C.S.S.B. 233**, Sec. 56.164, by adding the following between the word "code" and the ".":  
unless the institution is a private institution of higher education. A private institution of higher education may charge a loan recipient who is not a Texas resident only the amount of tuition charged other students enrolled in the same program.

The amendment was read and was adopted by a viva voce vote.

Senator Truan offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend proposed C.S.S.B. 233 in SECTION 1, by striking Section 56.164, Education Code (page 3, lines 6-10), and substituting the following:

Sec. 56.164. TUITION CHARGED CERTAIN NONRESIDENT LOAN RECIPIENTS. If a loan recipient is a resident of another state that has a program that is similar to the program under this subchapter and the loan recipient enrolls at an institution of higher education, as defined by Section 61.003 of this code, the institution may charge the loan recipient only the tuition required for resident students under Subchapter B, Chapter 54, of this code.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Truan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 233 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 233 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Carriker, Ellis, Haley, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Brown, Harris of Tarrant, Sibley.

Absent-excused: Moncrief, Sims.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 3. (Same as previous roll call)

**SENATE BILL 562 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 562**, Relating to civil, criminal, and administrative penalties under the Texas Food, Drug, Device, and Cosmetic Salvage Act.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 562 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional

Rule requiring bills to be read on three several days be suspended and that S.B. 562 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Moncrief, Sims.

The bill was read third time and was passed by a viva voce vote.

(President in Chair)

#### **SENATE BILL 563 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 563**, Relating to commissioning certain employees of the Texas Department of Health as peace officers.

The bill was read second time and was passed to engrossment by the following vote: Yeas 22, Nays 6.

Yeas: Armbrister, Bivins, Brown, Carriker, Ellis, Harris of Tarrant, Leedom, Lucio, Luna, Madla, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Zaffirini.

Nays: Barrientos, Haley, Harris of Dallas, Henderson, Parker, Shelley.

Absent: Whitmire.

Absent-excused: Moncrief, Sims.

#### **SENATE BILL 563 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 563 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Brown, Parker, Shelley.

Absent-excused: Moncrief, Sims.

The bill was read third time and was passed by a viva voce vote.

#### **RECORD OF VOTES**

Senators Parker, Brown, Shelley, Haley, Henderson, Barrientos, and Harris of Dallas asked to be recorded as voting "Nay" on the final passage of the bill.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 614 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 614**, Relating to definitions and penalties under the Texas Commercial Driver's License Act.

The bill was read second time.

Senator Harris of Tarrant offered the following amendment to the bill:

Amend **C.S.S.B. 614** by adding the following Section 1 and renumbering the remaining sections accordingly:

**SECTION 1.** Section 3(7), Texas Commercial Driver's License Act (Article 6687b-2, Revised Statutes), is amended to read as follows:

(7) "Commercial motor vehicle" does not include:

(A) a vehicle that is controlled and operated by a farmer; and used to transport agricultural products, farm machinery, or farm supplies to or from a farm; and not used in the operations of a common or contract motor carrier; and used within 150 miles of the person's farm;

(B) a fire-fighting or emergency vehicle necessary to the preservation of life or property or the execution of emergency governmental functions, whether operated by an employee of a political subdivision or by a volunteer fire fighter;

(C) a military vehicle, when operated for military purposes by military personnel, including any active duty military personnel, members of the reserves and national guard on active duty, including personnel on full-time national guard duty, personnel on part-time training, and national guard military technicians; ~~or~~

(D) a recreational vehicle that is driven for personal use;

~~or~~

(E) a vehicle that is owned, leased, or controlled by an air carrier, as defined by Section 1(e), Chapter 344, Acts of the 49th Legislature, Regular Session, 1945 (Article 46c-1, Vernon's Texas Civil Statutes), and that is driven or operated exclusively by an employee of the air carrier only on the premises of an airport, as defined by Section 1(a), Municipal Airports Act (Article 46d-1, Vernon's Texas Civil Statutes) on service roads that do not provide access to the public terminal sections of the airport.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 614 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 614** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Moncrief, Sims.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 325 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 325**, Relating to the creation of an offense involving certain sales of tickets to certain events; providing a penalty.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **C.S.S.B. 325**, SECTION 1, Sec. 35.49(b) by adding:

(3) tickets for events that are held in a county with a population of 1 million or more.

The amendment was read and was adopted by a viva voce vote.

Senator Brown offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **C.S.S.B. 325** as follows:

(1) Amend SECTION 1, Sec. 35.49(4)(b) by replacing Section (1) with:

“(1) tickets for an event that is an agricultural exposition or a show occurring at or in connection with an agricultural exposition.”

(2) Amend SECTION 1, Sec. 35.49(4)(b) by replacing Section (2) with:

“(2) tickets for an event where the primary sponsor is a not-for-profit organization; and”

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 325 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 325** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Moncrief, Sims.

The bill was read third time and was passed by a viva voce vote.



(Senator Montford in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 818 ON SECOND READING**

On motion of Senator Turner and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 818**, Relating to the punishment as a capital offense of certain murders committed by individuals incarcerated in penal institutions.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 818 ON THIRD READING**

Senator Turner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 818** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Moncrief, Sims.

The bill was read third time and was passed by a viva voce vote.

**RECORD OF VOTE**

Senator Barrientos asked to be recorded as voting "Nay" on the final passage of the bill.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE  
SENATE BILL 1029 ON SECOND READING**

Senator Armbrister asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 1029**, Relating to the review and approval of certain permits by the state, a municipality, and other local governmental entities.

There was objection.

Senator Armbrister then moved to suspend the regular order of business and take up **C.S.S.B. 1029** for consideration at this time.

The motion was lost by the following vote: Yeas 16, Nays 11. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Bivins, Brown, Haley, Harris of Tarrant, Harris of Dallas, Leedom, Nelson, Patterson, Ratliff, Shapiro, Shelley, Sibley, Turner, Wentworth, Whitmire.

Nays: Barrientos, Carriker, Ellis, Lucio, Luna, Madla, Parker, Rosson, Truan, West, Zaffirini.

Absent: Henderson, Montford.

Absent-excused: Moncrief, Sims.

#### **WELCOME AND CONGRATULATORY RESOLUTIONS**

**H.C.R. 16** - (Zaffirini): Honoring Judge Tom Connor on the occasion of his retirement.

**H.C.R. 17** - (Zaffirini): Honoring Dr. Allen Anthony on the occasion of his retirement.

**H.C.R. 39** - (Ratliff): Designating April 10-17, 1993, as Because I Care—Bone Marrow Donor Awareness Week in Texas.

**H.C.R. 42** - (Zaffirini): Honoring the Reverend Richard J. Beck, O.M.I., for his service to the church and to the Eagle Pass community.

**S.R. 607** - By Zaffirini: Recognizing the Ursuline Sisters on the 125th anniversary of their ministry in Laredo.

**S.R. 608** - By Lucio: Honoring Aida Porras of Edinburg for her contributions to the lives of the residents of colonias in the surrounding area.

**S.R. 609** - By Barrientos: Recognizing that the third Canterbury Faire will be held on April 17 and 18, 1993, at Waterloo Park in Austin.

**S.R. 610** - By Barrientos: Welcoming the Meseros de Nuevo Laredo Softball Team to Austin.

**S.R. 611** - By Sims: Congratulating Edith VanSlyke of Copperas Cove on the occasion of her 100th birthday.

**S.R. 612** - By Nelson: Recognizing Jean Franklin on the occasion of her installation as president of the Texas Federation of Business and Professional Women's Clubs, Incorporated.

**S.R. 613** - By Brown: Honoring the students, staff, and parents from Bess Brannen Elementary School in Lake Jackson on the occasion of "Bess Brannen Proud Day."

#### **RECESS**

On motion of Senator Harris of Dallas, the Senate recessed at 12:42 p.m. until 8:30 a.m. tomorrow for the Local and Uncontested Bills Calendar.

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#### **APPENDIX**

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#### **REPORTS OF STANDING COMMITTEES**

The following committee reports were received by the Secretary of the Senate:

April 13, 1993

HEALTH AND HUMAN SERVICES — C.S.S.B. 427, C.S.S.B. 392, S.B. 1102, S.B. 1186, H.B. 771, S.B. 564, S.B. 982

April 14, 1993

CRIMINAL JUSTICE — C.S.S.B. 1274

HEALTH AND HUMAN SERVICES — C.S.S.B. 1101, C.S.H.B. 63

ADMINISTRATION — S.B. 1352

STATE AFFAIRS — H.B. 991, S.B. 1020, H.B. 72, S.B. 1212,  
C.S.S.B. 877, S.B. 776, H.B. 945

FINANCE — C.S.S.B. 977, C.S.S.B. 882, S.B. 1044, C.S.S.J.R. 34

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY —  
S.B. 583

**SENT TO GOVERNOR**

(April 14, 1993)

S.C.R. 58

S.C.R. 59

S.C.R. 60

S.B. 384

S.B. 1313

**FORTY-SEVENTH DAY**

(Continued)

(Thursday, April 15, 1993)

**AFTER RECESS**

The Senate met at 8:30 a.m. and was called to order by Senator Haley.

**SENATOR ANNOUNCED PRESENT**

Senator Moncrief, who had previously been recorded as  
"Absent-excused," was announced "Present."

**LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer announced that the time had arrived for  
consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before  
the Senate, read second time, amended where applicable, passed to  
engrossment/third reading, read third time, and passed (vote on  
Constitutional Three-Day Rule and final passage indicated after the caption  
of each bill):